KA / BG-GPO / 2515 / WPP-47 / 2009-2011

ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ

ಅಧಿಕೃತವಾಗಿ ಪ್ರಕಟಿಸಲಾದುದು

ಸಂಪುಟ ೧೪೪	ಬೆಂಗಳೂರು, ಗುರುವಾರ, ಫೆಬ್ರವರಿ ೧೧, ೨೦೧೦ (ಮಾಘ ೨೨, ಶಕ ವರ್ಷ ೧೯೩೧)	ಸಂಚಿಕೆ ೬

ಭಾಗ – ೪

ಕೇಂದ್ರದ ವಿಧೇಯಕಗಳು ಮತ್ತು ಅವುಗಳ ಮೇಲೆ ಪರಿಶೀಲನಾ ಸಮಿತಿಯ ವರದಿಗಳು, ಕೇಂದ್ರದ ಅಧಿನಿಯಮಗಳು ಮತ್ತು ಅಧ್ಯಾದೇಶಗಳು, ಕೇಂದ್ರ ಸರ್ಕಾರದವರು ಹೊರಡಿಸಿದ ಸಾಮಾನ್ಯ ಶಾಸನಬದ್ಧ ನಿಯಮಗಳು ಮತ್ತು ಶಾಸನಬದ್ಧ ಆದೇಶಗಳು ಮತ್ತು ರಾಷ್ಟ್ರಪತಿಯವರಿಂದ ರಚಿತವಾಗಿ ರಾಜ್ಯ ಸರ್ಕಾರದವರಿಂದ ಪುನಃ ಪ್ರಕಟವಾದ ಆದೇಶಗಳು.

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 28 ಕೇನಿಪ್ರ 2009, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 16ನೇ ನವೆಂಬರ್, 2009

2009ನೇ ಸಾಲಿನ ಸೆಪ್ಟೆಂಬರ್ 24ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟಿನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ–II ಸೆಕ್ಷನ್ 3(i)ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ G.S.R 700 (E) (Notification No. F.No. 5(271)/ 2000-NC dated 24.9.2009 ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF LAW AND JUSTICE

(Department of Legal Affairs)

NOTIFICATION

New Delhi, the 24th September, 2009

G.S.R 700 (E):- In exercise of the powers conferred by section 15 of the Notaries Act, 1952 (53 of 1952) the Central Government hereby makes the following rules further to amend the Notaries Rules, 1956, namely:-

1. (1) These Rules may be called the Notaries (Second Amendment) Rules, 2009.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In rule 4 of the Notaries Rules, 1956 (hereinafter referred to as the said rules), after sub-rule (2), the following sub-rule shall be inserted namely:-

"2A. A person applying in Form II for appointment as a notary may submit the memorial direct to the Competent Authority of the Appropriate Government",

3. In rule 7A of the said rules, for sub-rule (2), the following shall be substituted, namely:-

"2 For the said purpose, one or more Interview Boards shall be constituted by the appropriate Government from amongst its officers dealing with legal matters and the Chairperson of every Interview Board shall be an officer not below the rank of Joint Secretary or Law Officer of that Government",

4. In FORM IIB appended to the said rules, for the words and brackets" Joint Secretary to the Government of India/Secretary to the Government of ……..(Name of the State)" the words and brackets "Additional Secretary to the Government of India/Secretary to the Government of ……………………….. (Name of the State)" shall be substituted.

[F.No. 5(271)/2000-NC]

D.R. MEENA, Addl. Secy.

Note: The principal Rules were published in the Gazette of India, Part II ,section 3, Sub-section (i) vide number SRO 324 dated the 14th February, 1956 and subsequently amended by GSR 370 (E) dated the 8th July, 1997; GSR 547 (E) dated the 31st August. 1998; GSR 17 (E) dated the 5th January, 2000; GSR 262 (E) dated the 28th March, 2000, GSR 630 (E) dated the 21st July, 2000: GSR 172 (E) dated the 12th March, 2001; GSR 330 (E) dated the 9th May, 2001, GSR 460 (E) dated the 25th june 2001; GSR 467 (E) dated the 9th June, 2003; GSR 296(E) dated the 19th May, 2006; GSR 441 (E) dated the 24th July, 2006, GSR 501 (E) dated the 24th August, 2006 GSR 73 (E) dated the 9th February, 2007; GSR 86 (E) dated the 14th February, 2007;GSR 319 (E) dated the 1st May 2007 read with GSR 330 (E) dated the 8th May, 2007; GSR 686 (E) dated the 31st October, 2007 GSR 51 (E) dated the 23rd January, 2008 ;GSR 636 (E) dated the 3rd September, 2008; GSR 764 (E) dated the 3rd November, 2008 GSR 114(E) dated the 24th February, 2009.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ಆರ್. ಆಂಜಿನಿ

ಪಿ.ಆರ್. 66

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ

ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ,

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 29 ಕೇನಿಪ್ರ 2009, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 27ನೇ ನವೆಂಬರ್, 2009

2009ನೇ ಸಾಲಿನ ಅಕ್ಟೋಬರ್ 16ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟಿನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ–II ಸೆಕ್ಷನ್ 3(ii)ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ (1)S.O. 2625(E)(Notification No. F.No. K-14011/40/.2003-MRTS/Metro (2) S.O. 2626 (E) (Notification No.F. No. K-14011/40/2003-MRTS/Metro ಗಳನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF URBAN DEVELOPMENT

(METRO RAIL CELL)

NOTIFICATION

New Delhi, the 16th October, 2009

S.O. 2625(E) :- In exercise of the powers conferred by sub-section (3) of section 1 of the Metro Railways (Construction of Works)Act, 1978 (33 of 1978), the Central Government, after consultation with the concerned State Government, hereby declare that the provisions of the said Act shall extend to the

areas as specified in the Table below with effect from the date of publication of this notification in the Official Gazette of India, namely:-

TABLE

Name of region or metropolitan area	Name of State
National Capital Region	National Capital Territory-Delhi, Haryana, Rajasthan and Uttar Pradesh
Bangalore	Karnataka
Mumbai	Maharashtra
Chennai	Tamil Nadu

[F.No. K-14011/40/2003-MRTS/Metro]

BIMAL KUJUR Under Secy.

NOTIFICATION

New Delhi the 16th October, 2009

S.O. 2626(E):- In exercise of the powers conferred by sub-section (2) of section 1 of the Metro Railways (Operation and maintenance) Act, 2002 (60 of 2002), the Central Government after consultation with the concerned State Government, hereby declare that the provisions of the said Act shall extend to the metropolitan areas as specified in the Table below with effect from the date of publication of this notification in the Official Gazette of India, namely:-

Table

Name of metropolitan area	Name of State
Bangalore	Karnataka
Mumbai	Maharashtra
Chennai	Tamil Nadu

[F.No. K-14011/40/2003-MRTS/Metro]

BIMAL KUJUR Under Secy.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ಆರ್. ಆಂಜಿನಿ

ಪಿ.ಆರ್. 67

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ

ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ,

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 30 ಕೇನಿಪ್ರ 2009, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 4ನೇ ಜನವರಿ, 2010

2009ನೇ ಸಾಲಿನ ನವೆಂಬರ್ 25ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟಿನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ–II ಸೆಕ್ಷನ್ 3(i)ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ G.S.R 843 (E) (Notification No. F.No. 5(187)/ 2003-NC ದಿನಾಂಕ: 25.11.2009 ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF LAW AND JUSTICE

(Department of Legal Affairs)

NOTIFICATION

New Delhi, the 25th November, 2009

G.S.R 843 (E):- In exercise of the powers conferred by section 15 of the Notaries Act, 1952 (53 of 1952) the Central Government hereby makes the following rules further to amend the Notaries Rules, 1956, namely:-

1. (1) These Rules may be called the Notaries (Third Amendment) Rules, 2009.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Notaries Rules, 1956 in Form IIB appended thereto, for the words and brackets "Additional Secretary to the Government of India/Secretary to the Government of …….. (Name of the State)" the words and brackets "Competent Authority (Notaries), Government of India/Secretary to the Government of …………………. (Name of the state)" shall be substituted.

[F.No. 5(187)/2003-NC]

SATISH CHANDRA, Jt. Secy.

Note: The principal Rules were published in the Gazette of India, Part II ,section 3, Sub-section (i) vide number SRO 324 dated the 14th February, 1956 and subsequently amended by GSR 370 (E) dated the 8th July, 1997; GSR 547 (E) dated the 31st August. 1998; GSR 17 (E) dated the 5th January, 2000; GSR 262 (E) dated the 28th March, 2000, GSR 630 (E) dated the 21st July, 2000: GSR 172 (E) dated the 12th March, 2001; GSR 330 (E) dated the 9th May, 2001, GSR 460 (E) dated the 25th June 2001; GSR 467 (E) dated the 9th June, 2003; GSR 296(E) dated the 19th May, 2006; GSR 441 (E) dated the 24th July, 2009, GSR 501 (E) dated the 24th August, 2006 GSR 73 (E) dated the 9th February, 2007; GSR 86 (E) dated the 14th February, 2007;GSR 319 (E) dated the 1st May 2007 read with GSR 330 (E) dated the 8th May, 2007; GSR 686 (E) dated the 31st October, 2007 GSR 51 (E) dated the 23rd January, 2008 ;GSR 636 (E) dated the 3rd September, 2008; GSR 764 (E) dated the 3rd November, 2008 GSR 114(E) dated the 24th February, 2009. and G.S.R 700(E) dated the 24th September, 2009.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ಆರ್. ಆಂಜಿನಿ

ಪಿ.ಆರ್. 1

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ

ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ,

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 50 ಕೇಶಾಪ್ರ 2009, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 4ನೇ ಜನವರಿ, 2010

2009ನೇ ಸಾಲಿನ ಅಕ್ಟೋಬರ್ 20ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟಿನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ–II ಸೆಕ್ಷನ್ 1 ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ The Central Universities (Amendment) Ordinance, 2009 (No.8 of 2009) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 20th October, 2009/Asvina 28, 1931 (Saka)

THE CENTRAL UNIVERSITIES (AMENDMENT) ORDINANCE, 2009

No 8 OF 2009

Promulgated by the President in the Sixtieth Year of the Republic of India

An Ordinance to amend the Central Universities Act, 2009

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for her to take immediate action.

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:

1. Short title and Commencement: (1) This Ordinance may be called the Central Universities (Amendment) Ordinance, 2009

(2) It shall come into force at once.

2. Insertion of section 3A: After section 3 of the Central Universities Act, 2009 (25 of 2009) (hereinafter referred to as the principal Act), the following section shall be inserted, namely:

"3A. Special provision with respect to the State of Jammu and Kashmir: (1) The Central University of Jammu and Kashmir established under sub-section (4) of section 3 shall be known as the Central University of Kashmir, and its territorial jurisdiction shall be limited to the Kashmir Division of the State of Jammu and Kashmir.

(2) There shall be established a university, which shall be a body corporate, to be known as the Central University of Jammu having its territorial jurisdiction extending to the Jammu Division of the State of Jammu and Kashmir.

(3) All assets and liabilities of the Central University of Jammu and Kashmir in respect of the territory of Jammu Division of the State of Jammu and Kashmir shall stand transferred to be the assets and liabilities of the Central University of Jammu.

(4) Anything done or any action taken by the University of Jammu and Kashmir in respect of the territory of Jammu Division of the State of Jammu and Kashmir shall be deemed to have been done or taken by the Central University of Jammu.

(5) Any suit or legal proceedings instituted or continued by or against the Central University of Jammu and Kashmir in respect of the territory of Jammu Division of the State of Jammu and Kashmir shall be deemed to be instituted or continued by or against of the Central University of Jammu"

3. Amendment of the First Schedule to the principal Act: In the First Schedule to the principal Act, for serial number 5 and the corresponding entries against, it the following serial numbers and entries and shall be substituted, namely:

Serial No.	Name of the State	Name of the University	Territorial jurisdiction
"5	Jammu and Kashmir	Central University of Kashmir	Kashmir Division of the State of Jammu and Kashmir
5A	Jammu and Kashmir	Central University of Jammu	Jammu Division of the State of Jammu and Kashmir"

PRATIBHA DEVISINGH PATIL,
President

V.K. BHASIN,
Secy. To the Govt. of India

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ಆರ್. ಆಂಜಿನಿ

ಪಿ.ಆರ್. 2

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ
ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ,
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 1 ಕೇಶಾಪ್ರ 2010, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 22ನೇ ಜನವರಿ, 2010

2009ನೇ ಸಾಲಿನ ಡಿಸೆಂಬರ್ 22ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟಿನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ–II ಸೆಕ್ಷನ್ (i)ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ The Essential Commodities (Amendment and Validation) Act, 2009 (Act No. 36 of 2009) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 22nd December, 2009/Pausa 1, 1931 (Saka)

The following Act of Parliament received the assent of the President on the 22nd December, 2009, and is hereby published for general information:-

THE ESSENTIAL COMMODITIES (AMENDMENT AND VALIDATION), ACT, 2009

No. 36 OF 2009

[22nd December, 2009]

An Act further to amend the Essential Commodities Act, 1955 and to make Provisions for validation of certain orders issued by the Central Government determining the price of levy sugar and actions taken under those orders and for matters connected therewith.

WHEREAS a Bench of three Judges of the Hon'ble Supreme Court in the case of Modi Industries Ltd., and Another versus Union of India and Others on the 20th February, 1996 reported in (1999) 9 SCC 245, accepted the statement made on behalf of the Union of India that while determining the minimum cane price of levy sugar, regard had been given only to the minimum cane price referred to in section 3 (3C) of the Essential Commodities Act, 1955 and that the additional cane price payable under clause 5A of the Sugarcane (Control) Order, 1966 had not been taken into account and held that the case was not covered by the decision of the Supreme Court dated:22.9.1993 in Shri Malaprabha Coop. Sugar Factory Ltd., versus Union of India [(1994)1 SCC 648 Malaprabha(1)];

AND WHEREAS subsequently the decision of a Bench of three Judges of the Supreme Court dated 28.1.1997 in the case of Shri Malaprabha Coop Sugar Factory Ltd., versus Union of India (Malaprabha2) (1997) 10 SCC 216 held that the decision in Modi Industries' case did not have any bearing on the fixation of price of levy sugar for the year 1975-1976 to 1979-1980.

AND WHEREAS the decision of the Bench of three Judges in Modi Industries Ltd., and Another versus Union of India and others was followed in the case of Bharat Sugar Mills Ltd., and another versus Union of India, (decided on 19th August, 1998) after noticing the judgments in Shri Malaprabha Coop Sugar Factory Ltd., (Malaprabha 1) and Shri Malaprabha Coop Sugar Factory Ltd [(Malaprabha 2)];

AND WHEREAS in the case of Union of India and Others versus Triveni Engineering Works Ltd., (1999) 9 SCC 244, by judgement dated 2.2.1999, the appeal of the Union of India was allowed relying upon the decision in Modi Industries Ltd., and the decision of the Bench of two Judges of the Supreme Court in Bharat Sugar Mills Ltd.,

AND WHEREAS in Shri Malaprabha Coop. Sugar Factory Ltd., versus Union of India, [(2002) 9 SCC 716](Malaprabha 3) Contempt Petitions filed against the Union of India for alleged non-compliance with the decision in Malaprabha 1 and Malaprabha 2, were dismissed by order dated 16.11.2000 and the

working statement given before the Hon'ble Court showed that the retention of fifty per cent being a factor which can be taken into consideration in determining element (d)_ in section 3(3C) of the Essential Commodities Act was taken into account, not to the extent as desired by the petitioners, but the result of this was that the levy price fixed at Rs. 163. 780 in respect of West U.P. had gone up to Rs. 172.430 the Hon'ble Supreme Court held that "the said fixation is in accordance with law and the directions given by this Court have been complied with, Neither a case contempt has been made out nor is there any justification, in our opinion, for giving any direction to the Government to re-fix the levy price under section 3(3C) of the Essential Commodities Act;'

AND WHEREAS notwithstanding the judgment in the Modi Industries case, the Bharat Sugar Mills case, and the Triveni Engineering Works Ltd., case and the Judgement of a Bench of three judges of the Hob'ble Supreme Court in Shri Malaprabha Coop Sugar Factory Ltd.,(Malaprabha 3), a Bench of two Judges of the Hon'ble Supreme Court in Mahalakshmi Sugar Mills Coop Ltd., and Anr. Versus Union of India and Others (2008) 6 SCALE 275, in a judgement dated 31st March 2008, in relation to sugar seasons 1983-1984 and 1984-1985 held that the actual price payable to cane growers was absolutely relevant for determining the price of levy sugar;

AND WHEREAS there are thus conficting decisions as to the factors to be taken into consideration in determining the price of levy sugar;

AND WHEREAS it has become necessary to make suitable amendments to the Essential Commodities Act, 1955 (10 of 1955) to clarify and reiterate the underlying principles and the factors that needed to be taken into consideration in determining the price of levy sugar and to give effect accordingly;

AND WHEREAS in order to remove doubts and ambiguities it has become necessary to make such provisions with retrospective effect to validate the determination of the price of levy sugar by the Central Government from time to time pursuant to the provisions of the Essential Commodities Act, 1955.

BE it enacted by parliament in the Sixtieth Year of the Republic of India as follows:-

1. Short title and commencement: (1) This Act may be called the Essential Commodities (Amendment and Validation) Act, 2009.

(2) It shall be deemed to have come into force on the 21st day of October, 2009

2. Amendment of section 3 : In section 3 of the Essential Commodities Act, 1955 (10 of 1955) (hereinafter referred to as the principal Act)-

(a) in sub-section (3C), the existing Explanation shall be numbered as Explanation I, and after Explanation I as so numbered the following Explanation shall be inserted and shall be deemed to have been inserted, with effect from the 1st day of October, 1974, namely:-

Explanation II- For the removal of doubts, it is hereby declared that the expression "minimum price" referred to in clause (a), "manufacturing cost of sugar" referred to in clause (b) and "reasonable return on the capital employed" referred to in clause (d) exclude that additional price of sugarcane paid or payable under clause 5A of the Sugarcane (Control)Order, 1966 and any price paid or Payable under any order or enactment of any State Government and any price agreed to between the producer and the grower of sugarcane or a sugarcane growers' co –operative society;

(b) for sub-section (3C) and the Explanations thereunder, the following shall be substituted, and shall be deemed to have been substituted, on and from the 1st day of October, 2009, namely:-

(3C) Where any producer is required by an order made with reference to clause (f) of sub-section(2) to sell any kind of sugar (whether to the Central Government or to a State Government or to an officer or agent of such Government or to any other person or class of persons) whether a notification was issued under sub-section (3A) or otherwise, then, notwithstanding anything contained in sub-section (3), there shall be paid to that producer only such amount as the Central Government may, by order, determine, having regard to-

(a) the fair and remunerative price, if any, determined by the Central Government as the price of sugarcane to be taken into account under this section;

(b) the manufacturing cost of sugar;

(c) the duty or tax, if any paid or payable thereon; and

(d) a reasonable return on the capital employed in the business of manufacturing of sugar;

Provided that the Central Government may determine different prices, from time to time, for different areas or factories or varieties of sugar;

Provided further, that where any provisional determination of price of levy sugar has been done in respect of sugar produced up to the sugar season 2008-09, the final determination of price may be undertaken in accordance with the provisions of this sub-section as it stood immediately before the 1st day of October, 2009.

Explanation: For the purposes of this sub-section,

(a) “fair and remunerative price” means the price of sugarcane determined by the Central Government under this section;

(b) “manufacturing cost of sugar” means the net cost incurred on conversion of sugarcane into sugar including net cost of transportation of sugarcane from the purchase centre to the factory gate, to the extent it is borne by the producer;

(c) “producer” means a person carrying on the business of manufacturing sugar;

(d) “reasonable return on the capital employed” means the return on net fixed assets plus working capital of a producer in relation to manufacturing of sugar including procurement of sugarcane at a fair and remunerative price determined under this section”,

3. Validation of action taken, etc., under specified orders issued under sub-section (3C) of section 3 of the principal Act: (1) Notwithstanding anything contained in any judgement, decree or order of any court, tribunal or other authority:

(a) all things done or all actions taken by the Central Government under the specified orders shall be deemed to be and deemed to have always been done or taken in accordance with law;

(b) no suit, claim or other proceedings shall be instituted, maintained or continued in any court, tribunal or other authority for the payment or adjustment of any payment in relation to the determination of price of levy sugar under any specified order;

(c) no court shall enforce any decree or order directing any payment in relation to the determination of price of levy sugar under any specified order;

(d) no claim or challenge shall be made in , or entertained by any court, tribunal or other authority on the ground that the Central Government did not take into consideration any of the factors specified in

sub-section (3C) of section 3 of the principal Act in the determination of price of levy sugar under any specified order.

(2) In this section, "specified order" means any order relating the the determination of price of sugar issued under sub-section (3C) of section 3 of the principal Act before the 21st day of October 2009, in relation to sugar produced in any sugar season up to and including the sugar season 2008-09.

4. Repeal and saving: (1) The Essential Commodities (Amendment and Validation) Ordinance, 2009, (Ord 9 of 2009) is hereby repealed.

(2) Notwithstanding the repeal of the Essential Commodities (Amendment and Validation) Ordinance, 2009, (Ord 9 of 2009) anything done or any action taken under the principal Act, as amended by the said Ordinance, shall subject to the provisions contained in sub-section (3), be deemed to have been done or taken under the principal Act, as amended by this Act.

(3) Nothing contained in sub-section (2) shall apply to clause 3B of the Sugarcane (Control) Order, 1966, as inserted by the Government of India in the Ministry of Consumer Affairs, Food and Public Distribution Order number S.O. 266 (E)/Ess Com/Sugarcane dated the 22nd October, 2009 or any thing done or any action taken thereunder.

V.K. BHASIN,

Secy to the Govt. of India

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ಆರ್. ಆಂಜಿನಿ

ಪಿ.ಆರ್. 3

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ

ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ,

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 2 ಕೇಶಾಪ್ರ 2010, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 22ನೇ ಜನವರಿ, 2010

2009ನೇ ಸಾಲಿನ ಡಿಸೆಂಬರ್ 23ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟಿನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ–II ಸೆಕ್ಷನ್ (i)ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ The Central Universities (Amendment) Act, 2009 (Act No. 38 of 2009) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 23rd December, 2009/Pausa 2, 1931 (Saka)

The following Act of Parliament received the assent of the President on the 22nd December, 2009, and is hereby published for general information:-

THE CENTRAL UNIVERSITIES (AMENDMENT), ACT, 2009

No. 38 OF 2009

[22nd December, 2009]

An Act to amend the Central Universities Act, 2009

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:

1. Short title and commencement: (1) This Act may be called the Central Universities (Amendment) Act, 2009.

(2) It shall be deemed to have come into force on the 20th day of October, 2009

2. Insertion of section 3A: After section 3 of the Central Universities Act, 2009 (25 of 2009) (hereinafter referred to as the principal Act), the following section shall be inserted, namely:

"3A. Special provision with respect to the State of Jammu and Kashmir: (1) The Central University of Jammu and Kashmir established under sub-section (4) of section 3 shall be known as the Central University of Kashmir and its territorial jurisdiction shall be limited to the Kashmir Division of the State of Jammu and Kashmir

(2) There shall be established a university, which shall be a body corporate, to be known as the Central University of Jammu having its territorial jurisdiction extending to the Jammu Division of the State of Jammu and Kashmir.

(3) All assets and liabilities of the Central University of Jammu and Kashmir in respect of the territory of Jammu Division of the State of Jammu and Kashmir shall stand transferred to be the assets and liabilities of the Central University of Jammu

(4) Anything done or any action taken by the University of Jammu and Kashmir in respect of the territory of Jammu Division of the State of Jammu and Kashmir shall be deemed to have been done or taken by the Central University of Jammu.

(5) Any suit or legal proceedings instituted or continued by or against the Central University of Jammu and Kashmir in respect of the territory of Jammu Division of the State of Jammu and Kashmir shall be deemed to have been instituted or continued by or against the Central University of Jammu",

3. Amendment of the First Schedule to the principal Act: In the First Schedule to the principal Act, for serial number 5 and the corresponding entries against, it, the following serial numbers and entries shall be substituted, namely:

"5.	Jammu and Kashmir	Central University of Kashmir	Kashmir Division of the State of Jammu and Kashmir
5A	Jammu and Kashmir	Central University of Jammu	Jammu Division of the State of Jammu and Kashmir"

4. Repeal and saving: (1) The Central Universities (Amendment) Ordinance, 2009, (Ord 8 of 2009) is hereby repealed.

(2) Notwithstanding the repeal of the Central Universities (Amendment) Ordinance, 2009 (Ord 8 of 2009) anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

V.K. BHASIN,

Secy to the Govt. of India

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ಆರ್. ಆಂಜಿನಿ

ಪಿ.ಆರ್. 4

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ

ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ,

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 3 ಕೇಶಾಪ್ರ 2010, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 23ನೇ ಜನವರಿ, 2010

2009ನೇ ಸಾಲಿನ ಡಿಸೆಂಬರ್ 23ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟಿನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ–II ಸೆಕ್ಷನ್ 1ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ The National Capital Territory of Delhi Laws (Special Provisions) Second Act, 2009 (Act No. 40 of 2009) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 23rd December, 2009/Pausa 2, 1931 (Saka)

The following Act of Parliament received the assent of the President on the 22nd December, 2009, and is hereby published for general information:-

THE NATIONAL CAPITAL TERRITORY OF DELHI LAWS (SPECIAL PROVISIONS) SECOND ACT, 2009

No. 40 OF 2009

[22nd December, 2009]

An Act to make special provisions for the National Capital Territory of Delhi for a further period up to the 31st day of December, 2010 and for matters connected therewith or incidental thereto.

WHEREAS there had been phenomenal increase in the population of the National Capital Territory of Delhi owing to migration and other factors resulting in tremendous pressure on land and infrastructure leading to encroachment or unauthorized developments which are not in consonance with the concept of planned development as provided in the Master Plan of Delhi, 2001 and the relevant Acts and building bye-laws made thereunder:

AND WHEREAS the Master Plan of Delhi, 2001 was extensively modified and notified by the Central Government on the 7th day of February 2007 with the perspective for the year 2021 keeping in view the emerging new dimensions in urban development vis-à-vis the social, financial and other ground realities;

AND WHEREAS the Master Plan of Delhi with the perspective for the year 2021 specifically provides for strategies for housing for urban poor as well as to deal with the informal sector;

AND WHEREAS a strategy and a scheme has been prepared by the local authorities in the National Capital Territory of Delhi for regulation of urban street vendors in accordance with the National Policy for Urban Street Vendors and the Master Plan for Delhi, 2021, and is being implemented;

AND WHEREAS based on the policy finalised by the Central Government regarding regularization of unauthorized colonies, village abadi area and its extension, the guidelines and regulations for this purpose have been issued;

AND WHEREAS in pursuance of the guidelines and regulations for regularisation of unauthorized colonies necessary steps are being taken which, inter alia, involve scrutiny of layout plans, assessment of built up percentage existed as on the 31st day of March, 2002, identification of mixed use streets, approval of layout plans, fixation of boundaries, change of land use and identification of colonies not eligible for regularizations;

AND WHEREAS more time is required for orderly implementation of scheme, regarding hawkers and urban street vendors and for regularization of unauthorized colonies, village abadi area and its extension;

AND WHEREAS the revised policy and orderly arrangements for relocation and rehabilitation of slum dwellers and Jhuggi-Jhompri clusters in the National Capital Territory of Delhi has been considered and a Bill namely, the Delhi Urban Shelter Improvement Board Bill, 2009 has been prepared by the Government of National Capital Territory of Delhi to provide for implementation of Schemes for improvement of Jhuggi-Jhompri clusters and its redevelopment with a view to bring Improvement in environment and living conditions, and preparing housing scheme for resettlement of persons;

AND WHEREAS the draft policy regarding farm houses has been formulated by the Delhi Development Authority and has been forwarded to major stakeholders for their views and comments;

AND WHEREAS in pursuance of the Master Plan for Delhi, 2021, the policy or plan regarding schools, dispensaries, religious institutions, cultural institutions, storages, warehouses and godowns used for agricultural inputs or produce (including dairy and poultry) in rural areas built on agricultural land is under consideration of the Central Government.

AND WHEREAS the National Capital Territory of Delhi Laws (Special Provisions) Act, 2007 was enacted on the 5th day of December, 2007 (43 of 2007) to make special provisions for the areas of National Capital Territory of Delhi for a period up to the 31st day of December, 2008 which ceased to operate after the 31st day of December, 2008;

AND WHEREAS the National Capital Territory of Delhi Laws (Special Provisions) Act, 2009 (24 of 2009) was enacted in continuation of the aforesaid Act referred to in the preceding paragraph for a period up to the 31st day of December, 2009 to make special provisions for the areas of National Capital Territory of Delhi and that Act shall cease operate after the 31st day of December, 2009.

AND WHEREAS it is expedient to have a law in terms of the Master Plan of Delhi, 2021, in continuation of the said Act for a period up to the 31st day of December, 2010 to provide temporary relief and to minimize avoidable hardships and irreparable loss to the people of the National Capital Territory of Delhi against any action by the concerned agency in respect of persons covered by the policies referred to above.

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:

1. Short title extent, commencement and duration: (1) This Act may be called the National Capital Territory of Delhi Laws (Special Provisions) Second Act, 2009

(2) It extends to the National Capital Territory of Delhi

(3) It shall come into force on the 1st day of January, 2010.

(4) It shall cease to have effect on the 31st day of December, 2010 except as respects things done or omitted to be done before such cesser, and upon such cesser section 6 of the General Clauses Act, 1897, (10 of 1897) shall apply as if this Act had then been repealed by a Central Act.

2. Definitions: (1) In this Act, unless the context otherwise requires,

(a) “building bye-laws” means bye-laws made under section 481 of the Delhi Municipal Corporation Act, 1957 (66 of 1957) or the bye-laws made under section 188, sub-section (3) of section 189 and sub-section (1) of section 190 of the Punjab Municipal Act, 1911 (Punjab Act 3 of 1911) as in force in New Delhi or the regulations made under sub-section (1) of section 57 of the Delhi Development Act, 1957(61 of 1957), relating to buildings.

(b) " Delhi" means the entire area of the National Capital Territory of Delhi except the Delhi Cantonment as defined in clause (11) of section 2 of the Delhi Municipal Corporation Act, 1957 (66 of 1957) ;

(c) "encroachment" means unauthorized occupation of Government land or public land by way of putting temporary, semi-permanent or permanent structure for residential use or commercial use or any other use;

(d) "local authority" means the Delhi Municipal Corporation established under the Delhi Municipal Corporation Act, 1957, (66 of 1957) or the New Delhi Municipal Council established under the New Delhi Municipal Council Act, 1994 (44 of 1994) or the Delhi Development Authority established under the Delhi Development Act, 1957 (61 of 1957), legally entitled to exercise control in respect of the areas under their respective jurisdiction;

(e) "Master Plan" means the Master Plan for Delhi with the perspective for the year 2021 notified vide notification number S.O. 141 (E), dated the 7^{th} day of February, 2007, under the Delhi Development Act, 1957 (61 of 1957);

(f) "notification" means a notification published in the Official Gazette;

(g) "punitive action" means action taken by a local authority under the relevant law against unauthorized development and shall include demolition, sealing of premises and displacement of persons or their business establishment from their existing location, whether in pursuance of court orders or otherwise;

(h) "relevant law" means in case of

(i) the Delhi Development Authority, the Delhi Development Act, 1957; (61 of 1957)

(ii) the Municipal Corporation of Delhi, the Delhi Municipal Corporation Act 1957 (66 of 1957);and

(iii) the New Delhi Municipal Council, the New Delhi Municipal Council Act, 1994 (44 of 1994)

'(i) "unauthorized development" means use of land or use of building or construction of building or development of colonies carried out in contravention of the sanctioned plans or without obtaining the sanction of plans, or in contravention of the land use as permitted under the Master Plan or Zonal Plan or layout –plan, as the case may be and includes any encroachment.

(2) Words and expressions used but not defined herein shall have the meanings respectively assigned to them in the Delhi Development Act, 1957 (61 of 1957), the Delhi Municipal Corporation Act, 1957 (66 of 1957) and the New Delhi Municipal Council Act, 1994 (44 of 1994).

3. Enforcement to be kept in abeyance(1) Notwithstanding anything contained in any relevant law or any rules, regulations or bye-laws made thereunder, the Central Government shall before the expiry of this Act, take all possible measures to finalise norms, policy guidelines, feasible strategies and make orderly arrangement to deal with the problem of encroachment or unauthorized development in the form of encroachment by slum dwellers and Jhuggi-Jhompri clusters, hawkers and urban street vendors, unauthorized colonies, village abadi area (including urban villages) and its extension, existing farm houses involving construction beyond permissible building limits and schools, dispensaries, religious institutions, cultural institutions, storages, warehouses and godown used for agricultural inputs or produce (including dairy and poultry) in rural areas built on agricultural land, as mentioned below:

(a) policy for relocation and rehabilitation of slum dwellers and Jhuggi-Jhompri clusters in accordance with the provisions of the Master Plan of Delhi, 2021 to ensure development of Delhi in a sustainable, planned and humane manner;

(b) scheme and orderly arrangements for regulation of urban street vendors in consonance with the national policy for urban street vendors and hawkers as provided in the Master Plan of Delhi, 2021;

(c) orderly arrangements pursuant to guidelines and regulations for regularization of unauthorized colonies, village abadi area (including urban villages) and its extension, as existed on the 31st day of March, 2002, and where construction took place even beyond that date and up to the 8th day of February, 2007;

(d) policy regarding existing farm houses involving construction beyond permissible building limits; and

(e) policy or plan regarding schools, dispensaries, religious institutions, cultural institutions, storages, warehouses and godown used for agricultural inputs or produce (including dairy and poultry) in rural areas built on agricultural land.

(2) Subject to the provisions contained in sub-section (1) and notwithstanding any judgement, decree or order of any court, status quo-

(i) as on the 1st day of January, 2006, in respect of encroachment or unauthorised development; and

(ii) in respect of unauthorised colonies, village abadi area(including urban villages)and its extension, which existed on the 31st day of March, 2002 and where construction took place even beyond that date and up to the 8th day of February, 2007 mentioned in sub-section (1)

shall be maintained

(3) All notices issued by any local authority for initiating action against encroachment or unauthorised development referred to in sub-section (1) , shall be deemed to have been suspended and no punitive action shall be taken till the 31st day of December, 2010.

(4) Notwithstanding any other provision contained in this Act, the Central Government may, at any time before the 31st day of December, 2010 withdraw the exemption by notification in respect of encroachment or unauthorised development mentioned in sub-section (2) or sub-section (3) as the case may be.

4. Provisions of this Act not to apply in certain cases: During the period of operation of this Act, no relief shall be available under the provisions of section 3 in respect of the following encroachment or unauthorised development namely:-

(a) encroachment on public land except in those cases which are covered under clauses (a), (b) and (c) of sub-section (1) of section 3;

(b) removal of slums and Jhuggi-Jhompri dwellers, hawkers and urban street vendors, unauthorised colonies or part thereof, village abadi area (including urban villages) and its extension in accordance with the relevant policies approved by the Central Government for clearance of land required for specific public projects.

5. Power Central Government to give directions: The Central Government may, from time to time, issue such directions to the local authorities as it may deem fit, for giving effect to the provisions of this Act and it shall be the duty of the local authorities, to comply with such directions.

V.K. BHASIN,

Secy to the Govt. of India

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ಆರ್. ಆಂಜಿನಿ

ಪಿ.ಆರ್. 5

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ

ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ,

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 4 ಕೇಶಾಪ್ರ 2010, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 23ನೇ ಜನವರಿ, 2010

2009ನೇ ಸಾಲಿನ ಡಿಸೆಂಬರ್ 23ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟಿನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ–II ಸೆಕ್ಷನ್ 1 ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ The Competition (Amendment) Act, 2009 (Act No. 39 of 2009) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 23rd December, 2009/Pausa 2, 1931 (Saka)

The following Act of Parliament received the assent of the President on the 22nd December, 2009, and is hereby published for general information:-

THE COMPETITION (AMENDMENT) ACT, 2009,

No. 39 OF 2009

[22nd December, 2009]

An Act further to amend the Competition Act, 2002

BE it enacted by parliament in the Sixtieth Year of the Republic of India as follows:

1. Short title and commencement : (1) This Act may be called the Competition (Amendment)Act, 2009.

(2) It shall be deemed to have come into force on the 14th day of October, 2009.

2. Amendment of section 66 of Act 12 of 2003: In section 66 of the Competition Act, 2002

(a) in sub-section (1), the proviso and the Explanation thereto shall be omitted;

(b) in sub-section (3),

(i) for the words, brackets and figure"after the expiry of two years referred to in the proviso to sub-section (1)" the words, brackets and figures "on the commencement of the Competition (Amendment) Act, 2009" shall be substituted;

(ii) the following Explanation shall be inserted, namely:

"Explanation: For the removal of doubts, it is hereby declared that all cases referred to in this sub-section, sub-section (4) and sub-section (5) shall be deemed to include all applications made for the losses or damages under section 12B of the Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969) as it stood before its repeal;

(c) in sub-section (4)-

(i) for the words, brackets and figure "on or before the expiry of two years referred to in the proviso to sub-section (1)" the words brackets and figures "immediately before the commencement of the Competition (Amendment) Act, 2009 shall on such commencement" shall be substituted;

(ii) after the proviso, the following proviso shall be inserted, namely:-

"Provided further that all the cases relating to the unfair trade practices pending, before the National Commission under this sub-section, on or before the date on which the Competition (Amendment) Bill, 2009 receives, the assent of the President shall, on and from that date, stand transferred to the Appellate Tribunal and be adjudicated by the Appellate Tribunal in accordance with the provisions of the repealed Act as if that Act had not been repealed''.

(d) in sub-section (5), for the words, brackets and figure "after the expiry of two years referred to in the proviso to sub-section (1)" the words, brackets and figures "on the commencement of the Competition (Amendment) Act, 2009" shall be substituted;

(e) in sub-section (7), the following proviso shall be inserted, namely:

"Provided that all investigations or proceedings relating to unfair trade practices pending before the National Commission, on or before the date on which the Competition (Amendment) Bill 2009 receives the assent of the President shall, on and from that date stand transferred to the Appellate Tribunal and the Appellate Tribunal may conduct or order for conduct of such investigation or proceeding in the manner as it deems fit",

3. Repeal and savings: (1) The competition (Amendment) Ordinance 2009 (Ord 6 of 2009) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Competition Act, 2002 (12 of 2003), as amended by the said Ordinance, shall be deemed to have been done or taken under the said Act as amended by this Act.

V.K. BHASIN,

Secy to the Govt. of India

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ಆರ್. ಆಂಜಿನಿ

ಪಿ.ಆರ್. 6

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ

ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ,

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.